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AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR NUTRITION RULES  
GOVERNING FOODS AND BEVERAGES SOLD OUTSIDE OF SCHOOL MEAL  
PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. TEMPORARY PROVISION--FOOD AND BEVERAGES SOLD  
OUTSIDE OF SCHOOL MEAL PROGRAMS.--The public education  
department, in collaboration with the department of health and  
one representative each from the New Mexico action for healthy  
kids, parents, students, school food service directors, school  
boards, school administrators, agriculture, dairy producers  
and the food and beverage industry, shall adopt rules no later  
than December 31, 2005 governing foods and beverages sold in  
all public schools to students outside of federal department  
of agriculture school meal programs. The rules shall, at a  
minimum, address nutrition standards, portion sizes and times  
when students may access these items. Nothing in this section  
shall be construed to prohibit or limit the sale or  
distribution of any food or beverage item through fundraisers  
by students, teachers or groups when the items are intended  
for sale off the school campus.